

**FOR CONTRACT NO.: 04-4S9604**

# **INFORMATION HANDOUT**

## **PERMITS**

**REGIONAL WATER QUALITY CONTROL BOARD**

**ROUTE: 04-Son-1-33.1/33.2 PM**



Matt Rodriguez  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board  
North Coast Region  
Geoffrey M. Hales, Chairman**

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Edmund G. Brown Jr.  
Governor

December 20, 2011

In the Matter of

**Water Quality Certification**

For the

**California Department of Transportation  
Highway 1, Sonoma Culvert Repair Project, Post Miles 33.10 and 33.20  
WDID No. 1B11190WNSO**

APPLICANT:	California Department of Transportation
RECEIVING WATER:	Intermittent Coastal Streams
HYDROLOGIC AREA:	Mendocino Coast Hydrologic Unit, No.113.00
COUNTY:	Sonoma
FILE NAME:	CDOT – HWY 1, Sonoma Culvert Repair Project, Post Miles 33.10 and 33.20

**BY THE EXECUTIVE OFFICER:**

1. On November 2, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the California Department of Transportation (Caltrans), requesting Federal Clean Water Act (CWA), section 401, Water Quality Certification for activities related to the proposed Highway 1, Sonoma Culvert Repair Project, Post Miles (PM) 33.10 and 33.20 (Project). The proposed project will cause disturbances to waters of the United States (U.S.) and waters of the State associated with two intermittent streams that flow to the Pacific Ocean, located within the Mendocino Coast Hydrologic Unit No.113.00 (Gualala Hydrologic Sub-Area No.113.85). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on November 15, 2011, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. At PM 33.10, Caltrans is proposing to remove an existing 42-inch diameter, 150-foot long corrugated steel pipe (CSP) and replace it with a 42-inch diameter, 140-foot long CSP with polymeric sheet coating. At PM 32.20, Caltrans is proposing to remove an existing 42-inch diameter, 160-foot long CSP and replace it with a 42-inch

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diameter, 160-long CSP with polymeric sheet coating. Flared end sections and rock slope protection will be added to reduce erosion and scour. Caltrans has determined that the temporary project impacts to streams identified as waters of the U.S. and waters of the state will be approximately 1,283 feet<sup>2</sup> (330 linear feet). Construction activities will occur within the footprint of the existing structures, and will reduce the length of streams in culverts. Based on the extent and nature of the impacts associated with this project, compensatory mitigation is not required.

3. Due to the current condition of the roadway and the threat of road failure, Caltrans proposes to conduct the work between January 30, 2012 and March 30, 2012. The project is anticipated to take 30 days to construct. Caltrans' contractor will be required to implement Best Management Practices (BMPs) for construction and post construction phases of the project to provide erosion and sediment control and pollution prevention throughout the project area. All graded areas within the project affected by the construction activities will be appropriately stabilized and BMPs will be implemented to ensure erosion and potential pollution is minimized and controlled.
4. Caltrans has applied for authorization from the United States Army Corps of Engineers to perform the project under their Nationwide Permits No. 3 (maintenance) pursuant to Clean Water Act, section 404. In addition, Caltrans has applied for a 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Game. Caltrans has determined that this project is Categorical Exempt from California Environmental Quality Act (CEQA - class 1 categorical exemption). Additionally Regional Water Board staff also determined that this project is categorically exempt from CEQA and anticipate filing a notice of exemption.
5. To ensure compliance with Water Quality Objectives within the Basin Plan, adequate wetland and riparian protection and stringent requirements to avoid, minimize, and mitigate the sediment and temperature impacts associated with the proposed project will be incorporated as enforceable conditions this Water Quality Certification. In addition, Caltrans will be required to conduct surface water monitoring, sampling, and analysis in accordance with the conditions of the Water Quality Certification. Additionally, storm water runoff monitoring, sampling, and analysis will be conducted as required by the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges from the State of California, Department of Transportation (Caltrans) Properties, Facilities and Activities Order No. 99 - 06 - DWQ. The surface water data collected will be utilized to assess the adequacy of BMPs during construction as well as site specific mitigation measures proposed to minimize impacts to the environment, including sediment and temperature impacts.

6. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater, and does not otherwise authorize degradation of the waters affected by this project.
7. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this certification.

Receiving Waters: Intermittent Streams  
Mendocino Coast Hydrologic Unit, No.113.00.

Filled and/or  
Excavated Areas: Temporary – streams (Waters of U.S.): 1,283 feet<sup>2</sup>

Total Linear Impacts: Temporary - streams (Waters of U.S.): 330 linear feet

Dredge Volume : None

Latitude/Longitude: 38.5187 N / 123.2481 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Caltrans Highway – 1, Sonoma Culvert Repair, Post Miles 33.10 and 33.20 Project (WDID No. 1B11190WNSO), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Caltrans complies with the following terms and conditions:

**All conditions of this order apply to Caltrans (and all its employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project (including the off-site mitigation lands) as related to this Water Quality Certification.**

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the applicant.
4. All conditions required by this Order shall be included in the Plans and Specifications prepared by Caltrans for the Contractor. In addition, Caltrans shall require compliance with all conditions included in this Order in the bid contract for this project.
5. Caltrans shall provide a copy of this order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ (web link referenced below) to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Caltrans shall be responsible for work conducted by its contractor or subcontractors.
6. The Regional Water Board shall be notified in writing each year at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities or water diversion activities with details regarding the construction schedule, in order to allow Regional Water Board staff to be present on-site during installation and removal activities, and to answer any public inquiries that may arise regarding the project. Caltrans shall provide Regional Water Board staff access to the project site to document compliance with this order.
7. The Resident Engineer (or appropriately authorized agent) shall hold on-site water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including instructions on how to avoid violations and procedures for reporting violations. The meetings shall be held at least every other week, before forecasted storm events, and when a new contractor or subcontractor arrives to begin work at the site. The contractors, subcontractors and their employees, as well as any inspectors or monitors assigned to the project, shall be present at the meetings. Caltrans shall maintain dated sign-in sheets for attendees

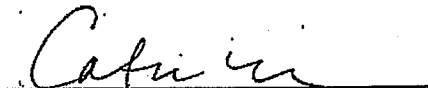
(<http://cdec.water.ca.gov>), or by a custom method or station approved by Regional Water Board staff.

23. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
24. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
25. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
  - a. requesting entity's full legal name
  - b. the state of incorporation, if a corporation
  - c. address and phone number of contact person
  - d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
26. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited, and all proposed revegetation, avoidance, minimization, and mitigation measures being completed, in strict compliance with Caltrans' project description and CEQA documentation, as approved herein, b) Caltrans shall construct the project in accordance with the

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project described in the application and the findings above, and c) compliance with all applicable water quality requirements and water quality control plans including the requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan), and amendments thereto. Any change in the design or implementation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order must be submitted to the Executive Officer of the Regional Water Board for prior review, consideration, and written concurrence. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and Caltrans may be subject to Regional Water Board enforcement actions.

27. The authorization of this certification for any dredge and fill activities expires on December 20, 2016. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
28. Please contact our staff Environmental Specialist / Caltrans Liaison Jeremiah Puget of at (707) 576-2835 or [jpuget@waterboards.ca.gov](mailto:jpuget@waterboards.ca.gov) if you have any questions.

  
Catherine Kuhlman  
Executive Officer

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Web link: State Water Resources Control Board Order No. 2003-0017 -DWQ,  
General Waste Discharge Requirements for Dredge and Fill Discharges  
That Have Received State Water Quality Certification can be found at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Original to: Mr. Cyrus Vafai, Caltrans, 14<sup>th</sup> Floor, Mail Stop 8F, 111 Grand Ave,  
Oakland, CA 94612

Copies to: Mr. Larry Jones, Caltrans, 111 Grand Ave, Oakland, CA 94612

Electronic  
Copies to: U.S. Army Corps of Engineers, Regulatory Functions - San Francisco  
District

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